



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
GOURMET ORGANIC PRODUCTS, LLC)	
959 Cherry SE)	Request ID No. 624516
Grand Rapids, Michigan 49506)	
)	
Kent County)	
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At the October 11, 2012 hearing of the Michigan Liquor Control Commission in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On September 6, 2011, Gourmet Organic Products, LLC (applicant) filed a request, under MCL 436.1537(4), for a new Wine Tasting Room license and permission to maintain (1) direct connection to the unlicensed premises, to be held at the above-noted location.

At a meeting held on May 2, 2012, the Commission denied this request under MCL 436.1203(1), MCL 436.1217(1), MCL 436.2027(1), administrative rule R 436.1103(2), administrative rule R 436.1105(1) and administrative rule R 436.1105(2).

Stan Silverman, sole applicant member, submitted a timely request for an appeal in this matter and represented the applicant at the July 12, 2012 hearing, held at the Commission's Southfield office. After hearing arguments, reviewing the MLCC file and Exhibits presented, and discussion of the issue on the record, the Commission tabled this matter to its October 12, 2012 meeting agenda held at the Commission's Southfield office.

Mr. Silverman submitted written documentation to the Commission, including an amended Lease Agreement which sufficiently demonstrates complete control of the subleased premises at all times of operation.

After hearing arguments, reviewing the MLCC file and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated through updated agreements that the previous questions concerning this application have been satisfactorily addressed.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The applicant is authorized to do business in Michigan, as required under MCL 436.1535 for licensure. Under MCL 436.1537, the licensee may conduct wine tastings of wines made by that wine maker and may sell the wine made by that wine maker for consumption off the premises at a location other than the premises where the wine maker is licensed to manufacture wine.

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of May 2, 2012 issued in this matter is reversed and the applicant's request for a new Wine Tasting Room License issued under MCL 436.1537(4) is APPROVED, subject to the following:

1. The licensee shall submit to a Final Inspection to be conducted by the Commission's Enforcement Division to determine that all remodeling has been completed; to determine that all tasting room fixtures and equipment have been installed; to determine that signage has been posted prohibiting removal of alcoholic beverages from the licensed area; to determine verification of financing for the fixtures and equipment, including the cost of

the stove, plumbing and sink; and to determine that the establishment meets all requirements of Michigan Liquor Control Code and Administrative Rules.

2. The licensee shall provide documentary proof to the Commission to demonstrate that, at a minimum, supervisory personnel on each shift and during all hours in which alcoholic liquor is served have successfully completed a server training program approved by the Commission as required under MCL 436.1501(1), within 180 days from the issuance of the license, as provided in administrative rule R 436.1060.
 - a. The licensee shall maintain active certification of completion for server training on the licensed premises at all times as provided in administrative rule R 436.1060.
 - b. Failure to provide this documentary proof to the Commission within 180 days of the issuance of the license shall result in the licensee being charged with failure to comply with this order, under administrative rule R 436.1029, which may result in fines, suspension and/or revocation of the license.

B. The applicant's request to maintain one (1) direct connection to the unlicensed premises for Gourmet Organic Products, LLC is APPROVED.

C. Under MCL 1537(4), Gourmet Organic Products, LLC may conduct wine tastings of wines made by that wine maker and may sell the wine made by that wine maker for consumption off the premises at a location other than the premises where the wine maker is licensed to manufacture wine, under the following conditions:

1. The premises upon which the wine tasting occurs conforms to local and state sanitation requirements.
2. Payment of a \$100.00 fee per location is made to the Commission.
3. The wine tasting locations are considered licensed premises, and the wine maker may include a charge for the samples.
4. The wine tasting takes place during the legal hours for the sale of alcoholic liquor by the licensee.

D. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of the license by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee shall obtain all other required state and local licenses, permits, and approvals before selling or serving alcoholic liquor.

E. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of the license.



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS LIQUOR CONTROL COMMISSION

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In the matter of the request of)	
MICHAEL JEWELL)	
336 Riley Street)	Request ID No. 667015
Dundee, Michigan 48131)	
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)	

At the October 11, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On July 30, 2012, Michael Jewell (applicant) filed a request for a new Salesperson license. At a meeting held on August 8, 2012, the Commission denied this request under administrative rule R 436.1105(2)(e), (g)(i)(iii) and (j) after considering the prior arrest and conviction record of the applicant and the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

The applicant submitted a timely request for an appeal in this matter and appeared at the October 11, 2012 hearing, at the Commission's Southfield office.

After hearing arguments, reviewing the MLCC file, and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated mitigating circumstances relative to his past arrest and conviction record, removing the previous questions concerning the applicant.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of August 8, 2012 issued in this matter is reversed and the applicant's request is APPROVED.

B. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling alcoholic liquor.

C. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of this license.



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS LIQUOR CONTROL COMMISSION

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In the matter of the request of
PHILLIP PETERS
215 Bingham Street
Alpena, Michigan 49707

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Request ID No. 663096

At the October 11, 2012 hearing of the Michigan Liquor Control Commission
(Commission) in Southfield, Michigan.

PRESENT: Andrew J. Deloney, Chairman
Dennis Olshove, Commissioner

LICENSING APPEAL ORDER

On June 4, 2012, Phillip Peters (applicant) filed a request for a new Salesperson license. At a meeting held on June 27, 2012, the Commission denied this request under administrative rule R 436.1105(2)(g)(d) and (j) after considering the prior arrest and conviction record of the applicant and the effects that issuance of a license would have on the health, welfare, and safety of the general public when determining whether an applicant should be issued a license or permit.

The applicant submitted a timely request for an appeal in this matter and there was no one present at the hearing on behalf of the applicant at the October 11, 2012 hearing, held at the Commission's Southfield office.

After reviewing the MLCC file and discussion of the issue on the record, the Commission finds that the applicant sufficiently demonstrated mitigating circumstances relative to his past arrest and conviction record in his letter of appeal faxed to the

Commission on August 18, 2012, removing the previous questions concerning the applicant.

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the manufacture, importation, possession, transportation and sale thereof under MCL 436.1201(2).

The Commission finds sufficient reasons to reverse its denial issued in this matter and to approve the applicant's request for the reasons stated on the record.

THEREFORE, IT IS ORDERED that:

A. The denial order of June 27, 2012 issued in this matter is reversed and the applicant's request is APPROVED.

B. Under administrative rule R 436.1003, the licensee shall comply with all state and local building, plumbing, zoning, sanitation, and health laws, rules, and ordinances as determined by the state and local law enforcements officials who have jurisdiction over the licensee. Approval of this license by the Michigan Liquor Control Commission does not waive any of these requirements. The licensee must obtain all other required state and local licenses, permits, and approvals before serving or selling alcoholic liquor.

C. Failure to comply with all requirements of licensure in the State of Michigan will result in the licensee being charged with a violation of the Michigan Liquor Control Code, MLCC Administrative Rules, and Commission order, which may result in fines, suspension, and/or revocation of this license.



Andrew J. Deloney, Chairman



Dennis Olshove, Commissioner



Prepared by:
Terri Chase, Commission Aide

Date Mailed: _____